

Brian E. Mitchell (SBN 190095)  
Jigang Jin (SBN 239465)  
MITCHELL + COMPANY, LAW  
OFFICES  
4 Embarcadero Center, Suite 1400  
San Francisco, CA 94111  
Telephone: (415) 766-3515  
Facsimile: (415) 402-0058  
Email: info@mcclawoffices.com

Craig C. Daniel (SBN 212588)  
Axcel Law Partners LLP  
Four Embarcadero Center, 14th Floor  
San Francisco, CA 94111  
Telephone: 415-0704-8800  
Facsimile: 415-704-8804  
cdaniel@ax-law.com

Attorneys for Plaintiff SecuGen Corporation

D. James Pak (SBN 194331)  
BAKER & McKENZIE LLP  
12544 High Bluff Drive, Third Floor  
San Diego, CA 92130-3051  
Telephone: +1 858 523 6200  
Facsimile: +1 858 259 8290  
D.James.Pak@bakermckenzie.com

Tod Gamlen (SBN 83458)  
BAKER & McKENZIE LLP  
660 Hansen Way  
Palo Alto, California 94304  
Tel: (650) 856-5504  
Fax: (650) 856-9299  
Tod.Gamlen@bakermckenzie.com

Attorneys for Defendant Suprema, Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**SECUGEN CORPORATION**

**Plaintiff,**

**v.**

**SUPREMA, INC., et al.**

**Defendants.**

**Case No. 11-CV-3450 SI**

**STIPULATION AND ~~PROPOSED~~**  
**ORDER TEMPORARILY STAYING**  
**CASE**

1 Plaintiff SecuGen Corporation (“SecuGen”) and Defendant Suprema, Inc.  
2 (“Suprema”) hereby stipulate as follows:

3 WHEREAS, there are currently two pending lawsuits between SecuGen and  
4 Suprema;

5 WHEREAS, on July 14, 2011, Plaintiff SecuGen filed this action for patent  
6 infringement against Defendant Suprema [D.I. 1] (“the SecuGen Patent Infringement  
7 Action”);

8 WHEREAS, on October 14, 2011, SecuGen filed a First Amended Complaint  
9 adding as defendants RBH Access Technologies, Inc., RBH USA, Inc. and Apirary,  
10 Inc. on the basis that they market or re-sell Suprema’s products in the United States  
11 [D.I. 15];

12 WHEREAS, Suprema’s response to the First Amended Complaint is due on  
13 December 1, 2011 [D.I. 18], and the Case Management Conference has been  
14 scheduled for January 13, 2012 [D.I. 13];

15 WHEREAS, on June 7, 2011, prior to the filing of the present action, Suprema  
16 filed a Declaratory Judgment action in this District Court against SecuGen, seeking,  
17 *inter alia*, a declaration as valid and enforceable a “No Proceeding Clause” in an OEM  
18 Agreement between Suprema and SecuGen dated May 6, 2009, [Case No. 3:11-cv-  
19 02783-WHA (“the Suprema Contract Action”)]. SecuGen denies that the “No  
20 Proceeding Clause” is valid and enforceable, and has counterclaimed for breach of  
21 contract and fraud,

22 WHEREAS, in the Suprema Contract Action, Suprema alleges that under the  
23 No Proceeding Clause SecuGen is precluded from initiating any adverse proceeding  
24 against Suprema, including any action for infringement of any of SecuGen’s IP rights,  
25 during the term of the OEM Agreement, which is set to expire on May 6, 2012; and

26 WHEREAS, SecuGen and Suprema agree that the OEM Agreement does not  
27 bar SecuGen’s pursuit of a patent infringement action against Suprema for products  
28

1 sold or offered for sale on or after May 6, 2012, and therefore currently agree, at a  
 2 minimum, to stay the SecuGen Patent Infringement Action until May 6, 2012,  
 3 without prejudice to any party seeking to extend such stay pending resolution of the  
 4 Suprema Contract Action.

5 THEREFORE, IT IS HEREBY STIPULATED by the parties and the parties  
 6 respectfully request the Court as follows:

7 (1) The present SecuGen Patent Infringement Action shall be stayed until  
 8 May 6, 2012;

9 (2) Defendants responses to the First Amended Complaint in the present  
 10 SecuGen Patent Infringement Action shall be due within fourteen (14) days of the lift  
 11 of the stay; and

12 (3) Nothing in this stipulation prevents any party from requesting an  
 13 extension of this stay from the Court pending resolution of the Suprema Contract  
 14 Action.

15  
 16 Dated: December 1, 2011

Respectfully submitted,

17  
 18 SecuGen Corporation

Suprema, Inc.

19  
 20 /s/  
 Brian E. Mitchell

/s/  
 D. James Pak


21 Attorneys for Plaintiff SecuGen  
 22 Corporation

Attorneys for Defendant Suprema, Inc.

23  
 24 ORDER

25 PURSUANT TO STIPULATION, IT IS SO ORDERED

26 December 4, 2011

27   
 28 Susan Ilston  
 United States District Judge

## ATTESTATION PER GENERAL ORDER 45

I, Craig C. Daniel, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby attest that the counsel listed above have concurred with this filing.

Dated: December 1, 2011

/s/  
\_\_\_\_\_  
Craig C. Daniel

Attorneys for SecuGen Corporation